

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:

Philip Jay Fetner,
Debtor.

)
)
) Case No. 17-13036-KHK
) Chapter 11
)

**ORDER CONTINUING HEARING ON DISCLOSURE STATEMENT
AND SETTING BRIEFING SCHEDULE ON JURISDICTIONAL ISSUE**

THIS MATTER came on for hearing before the Court on September 25, 2018, to consider the adequacy of the information contained in the proposed *Disclosure Statement* (the “Disclosure Statement”) (Docket No. 114) filed by Hotel Street Capital, LLC (“HSC”) in connection with its proposed *Plan of Liquidation* (the “Plan”) (Docket No. 113); and upon the *Objection* (Docket No. 131) filed by the United States of America, acting as a creditor herein through the Internal Revenue Service (the “IRS”), and the *Objection* (Docket No. 132) filed by Philip Jay Fetner (“Debtor”), the debtor and debtor in possession herein; and it

APPEARING TO THE COURT that the IRS has raised certain informational deficiencies which HSC will attempt to address through amendments to the *Disclosure Statement*; that Debtor has asserted that the real estate that is the subject of the *Plan* is not property of the bankruptcy estate (the “Property of the Estate Issue”); that the Debtor and HSC appear to dispute whether the Property of the Estate Issue should be resolved in the context of a formal adversary proceeding or in a contested matter; and that the Court has requested that the Debtor and HSC file briefs with respect to the procedural dispute surrounding the Property of the Estate Issue; it is therefore

ORDERED that the hearing on the *Disclosure Statement* is continued for status to November 13, 2018 at 11:00 a.m.; and it is

FURTHER ORDERED that the HSC shall file a brief on whether the Property of the Estate Issue should be determined by an adversary proceeding or a contested matter in accordance with the following schedule:

1. HSC's brief shall be filed by October 31, 2018;
2. Debtor's responsive brief shall be filed by November 9, 2018; and
3. Oral argument on the briefs shall be heard on November 13, 2018 at 11:00 a.m.

Dated: Oct 19 2018

/s/ Klinette Kindred

The Honorable Klinette H. Kindred
United States Bankruptcy Judge

I ask for this:

Entered on Docket: October 19, 2018

/s/ Robert M. Marino

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LOCAL RULE 9022-1(C)(2) CERTIFICATION

In accordance with Local Rule 9022-1(C)(2), I certify that the foregoing proposed order has been endorsed by or served on all necessary parties.

/s/ Robert M. Marino

Robert M. Marino, Esq.

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